REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

Claim rejections – 35 U.S.C. §112

Claims 1, 7 and 13 stand rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description and enablement requirement because of the terminology "without knowledge of the purpose of the command". Those claims are further rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite because of the same terminology. Applicant respectfully disagrees.

The specification in paragraph [0012] discloses that "The command pattern is an object-oriented design pattern that describes a pattern for encapsulating instructions and data into a single object, called a command." That paragraph further discloses, "A command can be passed around to different components of a software application, and then executed as needed." Paragraph [0012] continues to disclose, "The other software start the execution of the command..." The specification in paragraph [0013] also explains, "The command object contains data, as well as the instructions to process the data. When the server receives the command object from the client, it simply executes the command instructions, then returns the command itself back to the client with new data." The specification in paragraph [0014] also describes, "the server does not need to know anything about the raw data it receives from the client. If a new client type is added, the server does not need modification since the client will still be sending commands that the server can execute....The invention allows for flexibility in the client/server application by allowing new client types and versions to be added that can still communicate with old servers. This can be understood by noting that a command is an abstract

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data types, in this case, an object. The server knows how to process commands, in the abstract sense. It receives a command, executes it (passing any necessary resources in), then sends the command back. A new command could be created that the server never saw before, yet the server could still handle it and process it, even if the server does not know anything about the clients." The specification further includes example pseudo codes for implementing such commands and command objects starting in paragraph [0016]. Because at least those paragraphs provide sufficient written description and enablement for executing a command "without knowledge of the purpose of the command," applicant believes the Examiner's rejections under section 112 are improper. Accordingly, the Examiner is respectfully requested to withdraw those rejections.

Claim rejections – 35 U.S.C. §103

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,065,053 to Nouri et al ("Nouri") in view of U.S. Patent No. 6,851,105 to Coad et al. ("Coad").

Nouri and Coad do not disclose or suggest every element claimed in independent claims 1, 7 and 13 as amended. For instance, Nouri and Coad fails to disclose, suggest or teach at least, "the server host executes the instructions in the command object without knowledge of the first data and the purpose of the command" claimed in claims 1, 7 and 13.

Nouri as understood by applicants discloses resetting a server. The cited passages Nouri appears to disclose recovery manager software that provides a microcontroller network command that has a communications protocol around the command to a server. While Nouri uses the terminology "encapsulated command" to describe its microcontroller network command

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that has the communications protocol around it, Nouri still fails to disclose an object having a command and first data in which, "the server host executes the instructions in the command object without knowledge of the first data and the purpose of the command." Rather, as it appears in Nouri's column 14, lines 46-47, Nouri's server knows what the command is for and accordingly powers-on the server.

The Examiner particularly cites Nouri's Fig. 3 that shows a protocol message format. However, as the Examiner concedes, Nouri's message format is not a command that is executed. The cited passages of Nouri (e.g., col. 12, lines 63 – col. 13, line 28) also appear to require knowing the type of command, i.e., a WRITE or READ command, in order to determine whether or what to execute.

Coad is of no help in that respect. Coad as understood by applicants discloses generating a pattern. The cited passages of Coad refer to the software development tool that supports the definition of a pattern. Coad in the Abstract discloses that the software development tool receives an indication of a pattern, generates software code reflecting the pattern, and stores identification information for the pattern. Thus, Coad also must have the knowledge and purpose of the pattern. Coad, therefore, also fails to disclose or suggest, "the server host executes the instructions in the command object without knowledge of the first data and the purpose of the command."

On the other hand, independent claims in the present application recite using a command pattern to encapsulate instructions. A command pattern as explained in the specification on page 3, paragraph [0012] is an object-oriented design pattern that describes a pattern for encapsulating instructions and data into a single object, called a command. A command can be passed around to different components of a software application, and then executed as needed. For example,

components that receive a command can execute the command without knowledge of the data or the purpose of the command.

For at least the reasons set forth below, independent claims 1, 7 and 13, and their respective dependent claims 2-6, 8-12 and 14-18 at least by virtue of dependency, are not obvious over the cited references. The Examiner is, accordingly, respectfully asked to reconsider and to withdraw the rejection of claims 1-18 under 35 U.S.C. §103(a) and to allow claims 1-18.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,

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